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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,587	07/20/2001	Richard O. Shuler	043340/237124	2209

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EXAMINER
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HARBECK, TIMOTHY M

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/909,587	Applicant(s) SHULER ET AL.	
	Examiner Timothy M. Harbeck	Art Unit 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bi et al (hereinafter Bi, US PAT 6,311,178 B1) in view of Ordish et al (hereinafter Ordish, US 2001/0039527 A1).

**Re Claim 1:** Bi discloses a multi-element confidence matching system and the method therefor comprising

- Receiving information defining a plurality of demand profiles at the information server from the buyer interface, wherein at least one of the demand profiles specifies a first pre condition (Column 2, lines 30-38; also see Table 1)
- Receiving information defining a supply profile at the information server from the producer interface, wherein the supply profile specifies a second pre-condition (Column 2, lines 30-38; also see Table 1)
- Comparing the supply profile to the plurality of demand profiles to determine whether a match exists between the supply profile and one of the demand profiles based at least in part on a comparison of the first and second pre conditions (Column 4, lines 9-29; Fig 2b).

- Providing an indication to one of the buyer interface and the producer interface of at least one matching demand profile in response to a match (Column 3, lines 57-60)

Bi does not explicitly disclose the step wherein the matching system is done with respect to a cattle market.

Ordish discloses an improved matching system for trading instruments including commodities futures contracts (Page 2, paragraph 0009). It was well known in the art at the time of invention that cattle markets and the trading thereon represented a form of commodities futures contracts. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Ordish to the disclosure of Bi, because commodities such as cattle were popular trading instruments and would have been simple to include in any matching or trading system.

**Re Claim 2:** Bi in view of Ordish discloses the claimed method supra and further comprising generating a bid associated with at least one of the plurality of demand profiles (Column 4, lines 50-55). Bi discloses that one of the relevant search criteria includes price and volume, which would constitute a bid.

**Re Claim 3:** Bi in view of Ordish discloses the claimed method supra but the references do not explicitly disclose the step of generating a bid associated with at least one of the plurality of demand profiles comprises generating a bid price based at least in part on a non-fixed public index price. However it would have been obvious to anyone skilled in the ordinary art at the time of invention to use a reference price, such as a non-fixed public index price, to ensure that the bid is an acceptable value and in line

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with current prices, and a fair trade, relative to current market conditions can be executed.

**Re Claim 4:** Bi in view of Ordish discloses the claimed method supra but the references do not explicitly disclose the step of receiving an acceptance of a bid from the producer interface. However, as Bi points out, the purpose of trading systems is to help traders find the goods they need from other traders (Column 1, lines 25-28). It would have been obvious to anyone skilled in the ordinary art at the time of invention to allow for the acceptance of bids so that the trade can be fully completed, which is the ultimate goal of any matching/trading system.

**Re Claims 5-8:** Further system claims would have been obvious from previously rejected method claims 1-4 respectively, and are therefore rejected using the same art and rationale.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bi in view of Ordish in view of Pratt (US PAT 5,673,647).

**Re Claim 9:** Bi discloses a multi-element confidence matching system and the method therefor comprising

- Receiving information defining a supply profile at the information server from the interface wherein the supply profile specifies a precondition (Column 2, lines 30-38; also see Table 1)

- Storing the supply profile in a database associated with the cattle information server (Column 3, lines 52-54)

Bi does not explicitly disclose the steps wherein the matching system is done with respect to a cattle market. Ordish discloses an improved matching system for trading instruments including commodities futures contracts (Page 2, paragraph 0009). It was well known in the art at the time of invention that cattle markets and the trading thereon represented a form of commodities futures contracts. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Ordish to the disclosure of Bi, because commodities such as cattle were popular trading instruments and would have been simple to include in any matching or trading system.

Furthermore, Bi does not explicitly disclose the steps of

- Verifying a pre-conditioning program for an identified group of Cattle
- Receiving information defining carcass characteristics of the identified group of cattle at the time of harvest from the interface
- Storing the carcass characteristics of the identified group of cattle in a database associated with the cattle information and
- Correlating the carcass characteristics of the identified group of Cattle with the supply profile

Pratt discloses a cattle management system and method comprising the steps of verifying, receiving, storing and correlating carcass characteristics of a group (feedlot) of cattle (Column 5, lines 46-54). It would have been obvious to anyone skilled in the

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ordinary art at the time of invention to include the teaching of Pratt to the disclosure of Bi in view of Ordish so that the parties involved in the trading process can have a record of performance of previous cattle lots, as well as a way to track the current lot in order to control to quality of the product and ensure that previously agreed upon treatments are carried out as stipulated.

**Re Claim 10:** Bi in view of Ordish in view of Pratt discloses the claimed method supra and Pratt further discloses the step of identifying one of a geographic location and ownership identification of at least one animal selected from the identified group of animals (Column 5, lines 46-54). The fact that the information is relayed to the producer for future reference indicates that ownership of a particular animal selected from the feedlot group can be readily determined.

**Re Claim 11:** Bi in view of Ordish in view of Pratt discloses the claimed method supra and Pratt further discloses the step of storing a plurality of supply profiles and correlated carcass characteristics in a database and mining the database to determine patterns between the pre-conditioning program and at least one carcass characteristic (Column 4, lines 45-54).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HYUNG SOUGH  
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